

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MARIO A. TAPIAS,

Plaintiff,

Case No. 19-CV-4369

-against-

**ANSWER**

ONLINE INFORMATION SERVICES, INC.,

Defendant.

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Defendant, Online Information Services, Inc. (“Defendant”), by its attorneys, L’Abbate, Balkan, Colavita & Contini, L.L.P., as and for its Answer to the Endorsed Complaint (the “Endorsed Complaint”) of Plaintiff, Mario A. Tapias (“Plaintiff”), sets forth as follows:

1. Denies each and every allegation contained in Plaintiff’s Endorsed Complaint dated July 12, 2019.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

Plaintiff has failed to state a claim upon which relief can be granted.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

Plaintiff’s claims are barred, in whole or in part, by the applicable statute of limitations.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

Plaintiff’s damages, if any, were sustained from intervening acts of third parties over whom the Defendant exercises no control.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

The damages purportedly sustained by Plaintiff, as alleged in the Endorsed Complaint, were caused, in whole or in part, by his own negligence, recklessness, carelessness and/or culpable conduct of Plaintiff.

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE**

Defendant is not liable for any alleged violations, which are specifically denied herein, since it maintained reasonable procedures to assure compliance with the applicable provisions of the Fair Credit Reporting Act ("FCRA").

**AS AND FOR A SIXTH AFFIRMATIVE DEFENSE**

Plaintiff has no cause of action under the FCRA since Defendant did not inaccurately or incompletely report information about Plaintiff.

**AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred in whole or in part since she did not suffer any damages.

**AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE**

Any violations of the Fair Debt Collection Practices Act alleged by Plaintiff, which violations are specifically denied by Defendants herein, were not intentional and resulted, if at all, from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

**AS AND FOR A NINTH AFFIRMATIVE DEFENSE**

Plaintiff failed to mitigate his alleged damages.

**WHEREFORE**, Defendant demands judgment dismissing the Endorsed Complaint, together with the costs and disbursements of this action, plus such other and further relief as this Court may deem just and proper.

Dated: Garden City, New York  
August 1, 2019

L'ABBATE, BALKAN, COLAVITA  
& CONTINI, L.L.P.

By: 

Matthew J. Bizzaro, Esq.

Attorneys for Defendant

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